

#### REMARKS

The Examiner has rejected claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted Prior Art in view of U.S. Patent 6,453,355 to Jones et al.

Applicant's admitted Prior Art consists of the generalized description of an .mp4 file (page 1, lines 21-23), and a fragmentation structure file (page 1, lines 24-27; page 2, lines 8-10 and 21-28).

The Jones et al. patent discloses a method and apparatus for media data transmission.

The Examiner now states:

"Although the system disclosed by Applicant Admitted Prior Art shows substantial features of the claimed invention (discussed above), it fails to disclose the fragmentation structure file generated simultaneously as a separate file, said fragmentation file not being network specific, and the hinted file being configured with a specification of a number of network packets.

"Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by the Applicant, as evidenced by Jones.

"In an analogous art, Jones discloses a system for processing media data transmitted in a data communication medium (see Abstract). Jones additionally shows that the fragmentation file is stored as a separate file during encoding (see column 16, lines 62-67, said fragmentation file not being network specific (see column 11, lines 37-43) and that steps in creating the encoded media file may be done simultaneously (see column 8, lines 58-65). Further Jones discloses the hinted file being configured with a specification of a number of network packets (see column 26, lines 3- 5)."

Applicant submits that the Examiner is mistaken. In particular, while Jones et al. states that "the invention, at least in one embodiment, is protocol-neutral", this statement is

explained, at col. 11, lines 37-42, where it is stated "a single file may support hint tracks for multiple protocols, or multiple different parameterizations of the same protocols..." As such, as opposed to "fragmentation file not being network specific" as specifically indicated in the claims, Jones et al. teaches a "fragmentation file being all networks specific", that is, the fragmentation file is specific to all networks concerned. This is just the opposite from the subject invention as claimed. In the subject specification on page 3, lines 6-9, the disadvantages of such an "all networks specific" fragmentation file is discussed.

In view of the above, Applicant believes that the subject invention, as claimed, is not rendered obvious by the prior art, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-20, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
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